

**NINE-POINT CRITERIA ANALYSIS  
OF  
PROPOSED BUILDING STANDARDS  
OF THE  
CALIFORNIA ENERGY COMMISSION**

**REGARDING THE BUILDING ENERGY EFFICIENCY STANDARDS  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1 AND PART 6**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

**1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.**

The proposal is simply to update references in Title 24, Parts 1 and 6 to reflect the most current procedures for one small part of the standards: rating and labeling procedures for fenestration products. This proposed change does not conflict with, overlap, or duplicate other building standards.

**2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.**

This is a proposal about energy efficiency in buildings and is exclusively under the jurisdiction of the California Energy Commission, as directed by Public Resources Code Section 25402.

**3) The public interest requires the adoption of the building standards.**

It is in the public interest to adopt the proposed change to the building standards. The Building Energy Efficiency Standards (Title 24, Part 6 of the California Code of Regulations) adopt the National Fenestration Rating Council's (NFRC) rating and labeling procedures by reference. Virtually all windows installed in buildings subject to the Standards follow those procedures for labeling fenestration energy performance. The current Standards reference 1995, 1997, and 2000 versions of the procedures. NFRC recently adopted the 2002 versions of the procedures, which are technical improvements of the previous procedures. NFRC will allow windows, doors, and skylights (fenestration) to be labeled with the new, more accurate procedures starting April 1, 2003, and will require all new fenestration products to use the new procedures starting April 1, 2004. This rulemaking proceeding is required to update the Standards to recognize the updated NFRC procedures. The rulemaking

will result in a minor reduction in the stringency of the Standards for some windows and virtually no change in stringency for other window products.

These amendments to the regulations are primarily administrative and provide consistency with industry practice. For the vast majority of window products presently used in California, the new test procedures will impact ratings in only a very minor, neutral way. For one type of window the new test procedures will marginally reduce the energy savings associated with the Standards. For one type of skylight the new test procedures will marginally increase the energy savings of the Standards. In terms of total statewide impact, the new test procedures will net out to an extremely small change in energy savings and, therefore, create an immeasurably small environmental impact.

However, if the Commission does not make this change to the Standards, California would be inconsistent with NFRC rating and labeling practices. This would mean that NFRC ratings and labels would be unenforceable in California and there would be no acceptable alternative. This would be a major disruption to the building industry and for building officials (i.e., the enforcement community). Without a consistent rating and labeling system in place, manufacturers' claims could be exaggerated and unreliable, as they were before NFRC was formed to address the problem on a nationwide basis. This could lead to increased energy consumption because a major enforcement tool would be eliminated. Building officials would be less able, and perhaps less motivated and less conscientious, about enforcing compliance with NFRC -- possibly leading to increased energy use and environmental impacts.

**4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.**

The proposed change to Title 24 is in no way unreasonable, arbitrary, unfair or capricious. It reflects the latest technical procedures in rating the energy efficiency of fenestration products. It makes sure that the window rating and labeling requirements in the Standards are consistent with those that the industry will use. It avoids having obsolete requirements in the Standards that would cause confusion and would be unfair. It avoids penalizing manufacturers who are willingly updating their ratings and labels on their products to be consistent with updated national test procedures. It continues to base window ratings and labeling in California on specific, state-of-the-art, and accepted procedures that are the consensus conclusions of the fenestration industry established through their participation in the National Fenestration Rating Council.

**5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.**

No unreasonable cost is imposed. The fenestration industry expects to incur some cost for re-testing products to stay consistent with updated, more technically accurate

testing procedures. This is a normal cost of business that protects the industry from potentially far higher costs associated with the liability of failing to use current, state-of-the-art testing and rating procedures. Updating to the new procedures insures that consumers will have energy performance data that is accurate and that enables them to make proper choices for windows and skylights.

**6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.**

The proposed Standards are written to be clear and unambiguous. During the rulemaking, two people suggested ways to make the Standards more clear. The Energy Commission revised the Standards consistent with those suggestions.

**7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate. (Health and Safety Code Section 18938 requires a statement of inadequacy of a national specification, published standard, or model code if it does not adequately address the goals of the state agency, OR a statement informing the Commission that no national specification, published standard, or model code that is relevant to the proposed building standards exists.)**

The sole purpose of this Standards change is to update to the most recent version of national procedures used by the fenestration industry to rate and label energy performance. These national procedures are known as NFRC 100, NFRC 200, and NFRC 400, and are adopted by reference without change.

**8) The format of the proposed building standards is consistent with that adopted by the Commission.**

The Energy Commission is making no changes to the format of the standards, which have previously been approved as consistent with the California Building Standards Commission format.

**9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.**

Not applicable.